

## **REMARKS**

In response to the Office Action dated September 14, 2010, claims 169, 180 and 190 have been amended. Claims 169-199 are pending in the application.

In paragraph 2 on page 2 of the Office Action, claims 169-177, 180-187, and 190-197 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Herz in view of Alexander.

In paragraph 3 on page 5 of the Office Action, claims 178-179, 188-189 AND 198-199 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Herz in view of Alexander, and in view further view of Gerace.

Applicant respectfully traverses the rejections.

Independent claim 169 sets forth gathering user-related profile data at a client component by monitoring interactions between an iTV user and an iTV to extract data received at the iTV, data transmitted by the user from the iTV and interactions between the user and the iTV, storing the gathered user-related profile data in an interaction database at the client component for processing at the client component to generate content recommendations, periodically retrieving the gathered user-related profile data in the interaction database, building, at the client component, a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database at the client component and data in a local categorized program database at the client component, wherein the user profile includes affinity and confidence measures for programs and generating, at the client component, an interactive program guide having a listing of available programs rearranged to form a first portion and a second portion, the first portion being displayed in a priority position for initial

review by the viewer, the first portion further presenting content recommendations filtered from the listings of the available programs based on the affinity and confidence measures for programs in the user profile, the order of the content recommendations reflecting a predicted interest of the user for the content recommendations based on a comparison of the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database and the second portion presenting only unfiltered listings of the available programs in numeric order based on the number of the channel. Independent claims 180 and 190 set forth similar elements.

In contrast, Herz merely teaches a system for delivering programs, where each customer has a profile. An agreement matrix is calculated by comparing a user's profile to actual profiles of programs. From the agreement matrix determined by processor and stored in memory, a list of "preferred channel selections" or "virtual channels" is determined. An electronic program or display guide is either modified to include fields for the "virtual" channels, or else the recommended programming is highlighted.

Accordingly, Herz fails to disclose generating an interactive program guide having a listing of available programs rearranged to form a first portion and a second portion. Rather, fields for the "virtual" channels are added or recommended programming is highlighted.

Herz further fails to disclose, teach or suggest that the first portion is displayed in a priority position for initial review by the viewer and presents content recommendations filtered from the listings of the available programs. Herz does not disclose rearranging

listings or presenting the first portion is displayed in a priority position. Herz only adds fields or highlights existing fields.

Herz also fails to disclose, teach or suggest rearranging listings and displaying a first portion in a priority position based on the affinity and confidence measures for programs in the user profile. Herz does not even mention calculating confidence measures.

Herz also fails to disclose, teach or suggest that the order of the content recommendations reflects a predicted interest of the user for the content recommendations based on a comparison of the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database. Herz discloses that channels are presented in order.

Herz still further fails to disclose, teach or suggest a second portion that presents only unfiltered listings of the available programs in numeric order based on the number of the channel. Herz does not disclose a listing having gaps in channels because listings have been filtered from the listings.

Thus, Herz fails to disclose, teach or suggest the invention as defined in independent claims 169, 180 and 190, as amended.

Alexander fails to overcome the deficiencies of Herz. Alexander merely discloses a programming guide that may customize the order of the channel slots presented at the top/beginning of the Grid Guide in descending order according to the viewer's profile.

However, Alexander does not disclose generating an interactive program guide having a listing of available programs rearranged to form a first portion and a second portion. Rather, Alexander merely discloses displaying channels in an order determined

by the user's profile. Alexander does not show or disclose a listing of available programs rearranged to form a first portion and a second portion.

Alexander further fails to disclose, teach or suggest that the first portion is displayed in a priority position for initial review by the viewer and presents content recommendations filtered from the listings of the available programs. Alexander does not disclose rearranging listings or presenting the first portion is displayed in a priority position. Alexander only discloses displaying channels in an order ranked according to the user's profile.

Alexander also fails to disclose, teach or suggest rearranging listings and displaying a first portion in a priority position based on the affinity and confidence measures for programs in the user profile. Alexander does not even mention calculating confidence measures.

Alexander also fails to disclose, teach or suggest that the order of the content recommendations reflects a predicted interest of the user for the content recommendations based on a comparison of the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database. Alexander does not mention that the order of the content recommendations reflects a predicted interest of the user.

Alexander still further fails to disclose, teach or suggest a second portion that presents only unfiltered listings of the available programs in numeric order based on the number of the channel. Alexander does not disclose a first and second portion of a EPG, wherein a program listing has some programs listed according to a determined preface and others that are listed in channel order.

Thus, Herz and Alexander, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 169, 180 and 190, as amended.

Gerace fails to overcome the deficiencies of Herz and Alexander. Gerace merely teaches building a profile and receiving a URL of the previously viewed web page and storing cookies. However, Gerace does not disclose generating an interactive program guide having a listing of available programs rearranged to form a first portion and a second portion. Gerace does not show or disclose a listing of available programs rearranged to form a first portion and a second portion.

Gerace further fails to disclose, teach or suggest that the first portion is displayed in a priority position for initial review by the viewer and presents content recommendations filtered from the listings of the available programs. Gerace does not disclose rearranging listings or presenting the first portion is displayed in a priority position.

Gerace also fails to disclose, teach or suggest rearranging listings and displaying a first portion in a priority position based on the affinity and confidence measures for programs in the user profile. Gerace does not even mention calculating confidence measures.

Gerace also fails to disclose, teach or suggest that the order of the content recommendations reflects a predicted interest of the user for the content recommendations based on a comparison of the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database. Gerace does not mention that the order of the content recommendations reflects a predicted interest of the user.

Gerace still further fails to disclose, teach or suggest a second portion that presents only unfiltered listings of the available programs in numeric order based on the number of the channel. Gerace does not disclose a first and second portion of a EPG, wherein a program listing has some programs listed according to a determined preface and others that are listed in channel order.

Thus, Herz, Alexander and Gerace, alone or in combination, fail to disclose, teach or suggest the invention as defined in new independent claims 169, 180 and 190.

Dependent claims 170-179, 181-189 and 191-199 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 169, 180 and 190, respectively. Further dependent claims 170-179, 181-189 and 191-199 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 170-179, 181-189 and 191-199 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future

U.S. Patent Application Serial No. 09/877,974  
Amendment dated December 14, 2010  
Reply to Office Action of September 14, 2010  
Atty Docket No.: 60136.0097US11

replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725  
for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of  
time fees.

Respectfully submitted,

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(865) 380-5976



By:   
Name: David W. Lynch  
Reg. No.: 36,204